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Attorneys for Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN FRANCISCO
CIVIL UNLIMITED

KIMBERLEE KELLER and TOMMY
GARADIS, Individually and On Behalf of All
Others Similarly Situated,

Plaintiffs,

vs.

AMAZON.COM, INC.; AMAZON LOGISTICS,
INC.; and DOES 1 through 100, inclusive,

Defendants.

No. C17-cv-02219 RS

**STIPULATION REQUESTING
AMENDED BRIEFING SCHEDULE
AND HEARING RE MOTION TO
DISMISS, STAY, OR VACATE AND
MOTION TO COMPEL
ARBITRATION AND TO CONTINUE
INITIAL CASE MANAGEMENT
CONFERENCE PURSUANT TO
LOCAL RULE 6-2; ~~PROPOSED~~
ORDER**

Courtroom: 3
Judge: Hon. Richard G. Seeborg
Trial Date: None Set

STIPULATION REQUESTING AMENDED BRIEFING SCHEDULE AND HEARING RE
MOTION TO DISMISS, STAY, OR VACATE AND MOTION TO COMPEL
ARBITRATION AND TO CONTINUE INITIAL CASE MANAGEMENT CONFERENCE
PURSUANT TO LOCAL RULE 6-2; PROPOSED ORDER

1
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3 This Stipulation is entered into by and among Plaintiffs Kimberlee Keller and
4 Tommy Garadis, who are putative class representatives in *Keller, et al. v. Amazon.Com, et al.*,
5 No. C17-cv-02219 RS, N.D. Cal., and Defendants Amazon Inc. and Amazon Logistics, Inc.
6 (collectively, “Amazon”), by and through their respective counsel.

7 WHEREAS, Defendants filed, in response to Plaintiffs’ Complaint, a Motion to
8 Dismiss, Stay, or Transfer Venue and a Motion to Compel Individual Arbitration
9 (collectively, “the Motions”) on May 11, 2017;

10 WHEREAS, Plaintiffs need additional time to prepare oppositions to the two
11 Motions;

12 WHEREAS, the parties had previously stipulated to an extension of time for
13 Defendants to respond to the Complaint;

14 WHEREAS, on May 15, 2017, Plaintiffs requested that Defendants stipulate to an
15 extension of time for Plaintiffs’ responses to the Motions and proposed that the parties begin
16 preliminary discovery prior to filing Plaintiffs’ responses;

17 WHEREAS, the parties subsequently met and conferred in writing and
18 telephonically, and Defendants opposed Plaintiffs’ proposal to conduct discovery prior to the
19 adjudication of the Motions, but agreed to extend the parties’ time for briefing and to continue
20 the hearing on the Motions, subject to the Court’s permission and availability, so long as
21 Plaintiffs did not use the extended time period prior to the hearing to conduct discovery;

22 WHEREAS, Plaintiffs have agreed not to conduct discovery prior to the hearing, but
23 will, in their opposition to the Motion to Compel Arbitration, seek the Court’s permission to
24 conduct discovery prior to a ruling on the Motion;

25 WHEREAS, the parties’ oppositions and replies will likely address complex issues,
26 including but not limited to, Plaintiffs’ claimed exemption from the Federal Arbitration Act,

1 the claimed unenforceability of the class action waiver signed by Plaintiffs, the claimed
2 procedural and substantive unconscionability of the arbitration agreement, and the first-to-file
3 rule; and

4 WHEREAS, the Civil Local Rules permit parties to stipulate to extended time for
5 complex motions;

6 WHEREAS, the Initial Case Management Conference is currently scheduled for July
7 27, 2017 at 10 a.m., the same day as the parties' proposed new hearing date for the Motions
8 and the parties' joint case management conference statement is currently due one week before
9 the proposed new hearing date for the Motions on July 20, 2017;

10 WHEREAS, the parties believe that it will be more productive to conduct an initial
11 case management conference after the Court hears the pending Motions, which may eliminate
12 or narrow issues to be addressed at the initial case management conference;

13 WHEREAS, the Court is not available on July 13, 2017 and counsel for Defendants
14 is not available to attend a hearing on July 20, 2017;

15 NOW, THEREFORE, the Parties hereby agree and stipulate to the following:

- 16 1. Plaintiffs' deadline to oppose the Motion to Dismiss, Stay, or Vacate and the Motion
17 to Compel Individual Arbitration is extended to June 15, 2017;
- 18 2. The deadline for Defendants' corresponding replies in support of said Motions is
19 extended to June 29, 2017;
- 20 3. The hearing on the Motions is continued until July 27, 2017 at 1:30 p.m., or as soon
21 thereafter as is convenient for the Court's schedule; and
- 22 4. The Initial Case Management Conference is continued to September 14, 2017 at 10
23 a.m., or as soon thereafter as is convenient for the Court's schedule.

24
25 **IT IS SO STIPULATED**

1 Date: May 25, 2017

THE ARNS LAW FIRM

3 By: /s/ Robert S. Arns

4 Robert S. Arns
5 Jonathan E. Davis
6 Kevin M. Osborne
7 Julie C. Erickson
8 Shounak S. Dharap
9 Attorneys for Plaintiffs

MORGAN, LEWIS & BROCKIUS LLP

10 Date: May 25, 2017

11 By: /s/ Theresa Mak

12 John S. Battenfeld
13 Christopher J. Banks
14 Theresa Mak
15 Attorneys for Defendants

16 **Attestation Regarding Signatures**

17 I, Robert S. Arns, attest that all other signatories listed, and on whose behalf this filing
18 is submitted, concur in the filing's content and have authorized the filing.

19 Date: May 25, 2017

THE ARNS LAW FIRM

20 By: /s/ Robert S. Arns

21 Robert S. Arns
22 Attorneys for Plaintiffs

ORDER

PURSUANT TO STIPULATION:

1. Plaintiffs shall file their oppositions to Defendants' Motion to Dismiss, Stay, or Vacate and Motion to Compel Individual Arbitration (collectively, "the Motions") on or before June 15, 2017;
2. Defendants shall file their corresponding replies in support of the Motions on or before June 22, 2017;
3. The hearing on the Motions is continued until July 27, 2017 at 1:30 ~~a.m.~~/p.m.; and
4. The Initial Case Management Conference is continued to September 14, 2017 at 10:00 ~~a.m./p.m.~~

IT IS SO ORDERED.

Dated: May 26, 2017



Hon. Richard Seeborg
United States District Court Judge